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Counterclaimant Apple Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.,

*Plaintiff, Counter-defendant,*

vs.

APPLE INC.,

*Defendant, Counterclaimant.*

No. 4:20-CV-05640-YGR-TSH

**STIPULATION AND [PROPOSED]  
ORDER REGARDING PRETRIAL  
SCHEDULE**

Hon. Yvonne Gonzalez Rogers

WHEREAS, on October 6, 2020, the Court issued its Case Scheduling and Pretrial Order (Dkt. 116) establishing certain pretrial dates;

WHEREAS, on March 2, 2021, the Court issued its Pretrial Order No. 1 (Dkt. 371), establishing certain pretrial dates;

WHEREAS, the parties, having met and conferred, agree that the following additional dates and modifications would be advisable;

THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED by the parties through their respective counsel and pursuant to Civil L.R. 6-2 that the parties will abide by the additional dates and modifications below. The parties may modify any date for Nos. 1-7, 10-12, 16-20, and 23-27 by agreement in writing and without Court order.

#### **Exhibits, Summaries, and Demonstratives Schedule**

<b>No.</b>	<b>Date</b>	<b>Event</b>
1	3/24/2021	<p>Parties exchange exhibits as described herein and subject to the following:</p> <ul style="list-style-type: none"> <li>• Parties reserve rights to add exhibits with counter-designations and counters to counters.</li> <li>• Parties will exchange summaries pursuant to F.R.E. 1006 on the timeline below.</li> <li>• Parties will exchange demonstratives at least 24 hours before use (including use during arguments and witness testimony).</li> </ul> <p>With respect to exhibits already produced with Bates numbers, the parties will exchange lists of Bates numbers. With respect to large datasets already provided without Bates numbers, the parties will identify the datasets with sufficient descriptions. With respect to all other exhibits, the parties will exchange copies of such exhibits.</p> <p>For each exhibit, the parties will exchange the exhibit number, the Bates number (if applicable), a brief description of the contents, the identity of each sponsoring witness, and whether the exhibit is being marked for identification only, not for admission.</p>
2	4/2/2021	Parties exchange objections to exhibits and responsive exhibits, subject to the limitations above.
3	4/7/2021	Parties exchange objections to responsive exhibits
4	4/8/2021	Epic proposes confidentiality de-designations of the exhibits and responsive exhibits designated by Epic on either party's exhibit list.

		Apple proposes confidentiality de-designations of the exhibits and responsive exhibits designated by Apple on either party's exhibit list.
5	4/9/2021 at noon PT	Parties meet and confer re objections to exhibits and objections to responsive exhibits
6	4/12/2021 at noon PT	Parties meet and confer re confidentiality de-designations of exhibits
7	4/12/2021	Parties exchange summaries pursuant to F.R.E. 1006
8	4/14/2021 at 8:00 a.m. PT	Parties file Exhibit List Annotated with Stipulations/Objections (excluding summaries pursuant to F.R.E. 1006) and List of Discovery Excerpts, Audios, Videos (excluding deposition designations, objections to designations, counter-designations, objections to counters, counters to counters, and objections to counters to counters)
9	4/14/2021 at noon PT	Parties provide Joint Trial Readiness Binder, including: <ul style="list-style-type: none"> <li>Exhibit List Annotated with Stipulations/Objections (excluding summaries pursuant to F.R.E. 1006)</li> <li>List of Discovery Excerpts, Audios, Videos (excluding deposition designations, objections to designations, counter-designations, objections to counters, counters to counters, and objections to counters to counters)</li> </ul>
10	4/18/2021	Parties exchange objections to summaries pursuant to F.R.E. 1006 and responsive summaries pursuant to F.R.E. 1006
11	4/22/2021	Parties exchange objections to responsive summaries pursuant to F.R.E. 1006
12	4/24/2021 at noon PT	Parties meet and confer re objections to summaries pursuant to F.R.E. 1006 and objections to responsive summaries pursuant to F.R.E. 1006
13	4/25/2021	Parties file supplement to Exhibit List Annotated with Stipulations/Objections for summaries pursuant to F.R.E. 1006, objections to summaries pursuant to F.R.E. 1006, responsive summaries pursuant to F.R.E. 1006, and objections to responsive summaries pursuant to F.R.E. 1006
14	4/26/2021 at noon PT	Parties supplement Joint Trial Readiness Binder with summaries pursuant to F.R.E. 1006, objections to summaries pursuant to F.R.E. 1006, responsive summaries pursuant to F.R.E. 1006, and objections to responsive summaries pursuant to F.R.E. 1006
15	4/30/2021	Parties provide copies of exhibits to Court

**Deposition Designations Schedule**

<b>No.</b>	<b>Date</b>	<b>Event</b>
16	3/24/2021	Parties exchange deposition designations
17	4/2/2021	Parties exchange objections to deposition designations and counter-designations
18	4/9/2021	Parties exchange objections to counters and counters to counters
19	4/14/2021	Parties exchange objections to counters to counters
20	4/16/2021 at noon PT	Parties to meet and confer re deposition designations, objections to designations, counter-designations, objections to counters, counters to counters, and objections to counters to counters
21	4/23/2021 at 8:00 a.m. PT	Parties file list of deposition designations, objections to designations, counter-designations, objections to counters, counters to counters, and objections to counters to counters
22	4/23/2021 at noon PT	Parties provide deposition transcripts, deposition designations, objections to designations, counter-designations, objections to counters, counters to counters, and objections to counters to counters to Court

### Other Filings Schedule

No.	Date	Event
23	3/26/2021	Epic sends Joint Pretrial Conference Statement (including undisputed facts) to Apple
24	3/30/2021	Epic sends Proposed Order re Trial Stipulations to Apple
25	4/2/2021	Apple sends revised Joint Pretrial Conference Statement (including undisputed facts) to Epic
26	4/5/2021 at noon PT	Parties meet and confer re Joint Pretrial Conference Statement (including undisputed facts)
27	4/6/2021	Apple sends revised Proposed Order re Trial Stipulations to Epic
28	4/9/2021	Parties file Joint Pretrial Conference Statement (including undisputed facts)
29	4/14/2021 at 8:00 a.m. PT	Parties file Proposed Order re Trial Stipulations
30	4/14/2021 at noon PT	Parties provide Joint Trial Readiness Binder, including: <ul style="list-style-type: none"> <li>• Proposed Order re Trial Stipulations</li> </ul>

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

2  
3 Dated: March 21, 2021

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1 **PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO**  
2 **ORDERED.**

3  
4 DATED: \_\_\_\_\_

\_\_\_\_\_  
5 HON. YVONNE GONZALEZ ROGERS  
6 United States District Judge  
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**ECF SIGNATURE ATTESTATION**

In accordance with Civil Local Rule 5-1, the filer of this document hereby attests that the concurrence of the filing of this document has been obtained from the other signatory hereto.

Dated: March 21, 2021

CRAVATH, SWAINE & MOORE LLP

By: /s/ Lauren A. Moskowitz

Lauren A. Moskowitz

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